

REMARKS

Claims 1-20 are all the claims pending in the application.

Claims 5-7 are rejected under 35 U.S.C. § 112, second paragraph. In particular, the Examiner finds the phrase “a column is located in the terminal plate” to be vague and indefinite. Applicants amend the claims to overcome this rejection accordingly.

Claims 18-20 are objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants submit that the Preliminary Amendment filed March 13, 2001, wherein claims 18-20 were amended to depend from claims 2-4, respectively, overcomes this objection. Thus, Applicants respectfully request the Examiner to reconsider and withdraw this objection. A copy of the Preliminary Amendment filed March 13, 2001 with the date-stamped filing receipt is attached for convenience.

Claim 1 is rejected under 35 U.S.C. § 102(b) “based upon public use or sale of the invention.”

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being of Uchida (JP 9-168256) in view of Takeuchi (5,810,111)

Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

Analysis

Claim 1 is the only claim in independent form; therefore, the following discussion is initially directed to this independent claim.

Claim 1 is directed to a brush holder for a dynamo-electric machine. A spring and a brush are set in a brush holder base, and a terminal plate and a pigtail are connected in an area

within 90° from an introducing portion of the pigtail in the brush toward an outside of the brush holder.

Turning to the anticipation rejection under § 102(b), Applicants note that although JP '256 may be considered a publication, there is no evidence that it constitutes a "public use" or "on-sale" bar as alleged by the Examiner.

JP '256 is directed to a brush retaining device. As shown in Fig. 4, for example, a pigtail 3 floats over the upper surface of a brush box 1 at the protrusion 1a, and is disengaged with the protrusion by pressing the pigtail 3 at the terminal 4 on the side of the box 1. Thus, the pigtail and the terminal plate are not connected in an area within 90° from an introducing portion of the pigtail; rather, they are connected within 180° from an introducing portion of the pigtail.

This is an important distinction. As mentioned on page 2 of the application, conventional brush holders are constructed so that the terminal plate and pigtail are connected on the left or right side of the brush. Thus, the sliding of the brush is affected depending on the state of the pigtail. In the present invention, the position of the pigtail and terminal plate connection reduces this problem thereby reducing torque ripples and operating noise.

Thus, JP '256 does not anticipate claim 1.

Turning to the obviousness rejection, Takeuchi is directed to an electric power steering device. This reference fails to overcome the deficiencies of JP '256. Thus, even if one were to combine the references, one would still fail to arrive at the claimed invention of providing a terminal plate and pigtail connected in an area within 90° from an introducing portion of the pigtail in the brush toward an outside of the brush holder.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/695,840

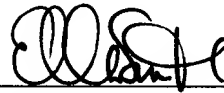
The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claim 1 by virtue of their dependency therefrom.

Conclusion

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

5. (Amended) The brush holder for the dynamo-electric machine according to Claim 1, wherein a column [is located in] extends from the terminal plate to connect with the pigtail.

6. (Amended) The brush holder for the dynamo-electric machine according to Claim 2, wherein a column [is located in] extends from the terminal plate to connect with the pigtail.

7. (Amended) The brush holder for the dynamo-electric machine according to Claim 3, wherein a column [is located in] extends from the terminal plate to connect with the pigtail.

IN THE ABSTRACT OF THE DISCLOSURE:

The abstract is changed as follows:

Terminal plates [1 and 3] are located in a brush holder base [2], a spring [4] and a brush [6] are located in the brush holder base [2], and the terminal plates [1 and 3] are connected to pigtails [6a, 12] in an area within 90° in a backside of an introducing portion of the pigtails in the brush [6], whereby operating noise and ripples of torque of a dynamo-electric machine are reduced[, and an operating noise is reduced].